

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

against -

KYRONE DOUGHTY,

Defendant.
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ROBERT P. PATTERSON, JR., U.S.D.J.

The Government has filed a motion for this Court to reconsider its September 19, 2008 order and opinion suppressing the handgun recovered from Defendant. See United States v. Doughty, 2008 U.S. Dist. LEXIS 74248 (S.D.N.Y. 2008). For the following reasons, the Government's motion, along with its request for oral argument, is denied.

Reconsideration of a previous order by a court is an "extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." In re Health Mgmt. Sys., Sec. Litig., 113 F. Supp. 2d 613, 614 (S.D.N.Y. 2000). "The provision for reargument is not designed to allow wasteful repetition of arguments already briefed, considered and decided." Schonberger v. Serchuk, 742 F. Supp. 108, 119 (S.D.N.Y. 1990). "The major grounds justifying reconsideration are an intervening change in controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Virgin Atl. Airways, Ltd. v. National Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992).

In its motion, the Government requests that the Court "consider additional facts from the testimony of the officers at the suppression hearing that were not included in the

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Court's opinion." (Government's Motion for Reconsideration ("Govt Mot.") at 6.) Yet the Government points to no new facts that the Court allegedly overlooked. (Govt. Mot 6-12.) Rather, the Government simply asks the Court to now draw different or competing inferences from the same facts previously taken into account by the Court in its September 19, 2008 decision ("Opinion").¹

Accordingly, as the Government has failed to present any overlooked evidence or controlling law that might be expected to alter the original ruling by this Court, the Government's motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: New York, New York
October 31, 2008


Robert P. Patterson, Jr.
U.S.D.J.

Copies of this Opinion and Order emailed to:

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¹ The Government contends that the facts here largely mirror those of United States v. Padilla, 2007 U.S. Dist LEXIS 47443 (E.D.N.Y. Jun. 29, 2007), a decision raised by the Government in its initial motion papers. Padilla is not controlling authority on this Court. Further, as this Court noted in its original decision, there were more grounds for reasonable suspicion presented in Padilla than there were presented here. (Opinion at 14-15.)

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